

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

William Lucas,

Civil No. 06-1399 (DSD/JJG)

Petitioner,

v.

ORDER

Marty Anderson, Warden,
FMC Rochester,

Respondent.

Based upon the Report and Recommendation by United States Magistrate Judge Jeanne J. Graham dated January 11, 2007; all the files, records, and proceedings herein; and no objections having been filed to that Report and Recommendation;

IT IS HEREBY ORDERED that:

- (1) Petitioner's Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DENIED as MOOT**;
- (2) Petitioner's Motion for Summary Judgment (Doc. No. 11) is **DENIED as MOOT**;
and
- (3) This matter is **DISMISSED**.

Dated: February 2, 2007

s/David S. Doty

DAVID S. DOTY

United States Senior District Judge